

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APR 04 2003

OFFICE OF
MANAGING DIRECTOR

Ellen Mandell Edmundson
Edmundson & Edmundson
1818 N Street, N.W.
Washington, D.C. 20036

RE: Request for Waiver and Refund of Filing Fee
For KNFT-FM STA Modification Request
Fee Control No. 0302108195406001

Dear Ms. Edmundson:

This is in response to the request dated February 7, 2003 for waiver and refund of Runnels Broadcasting System, LLC's (Runnels) filing fee paid in connection with Runnels' request for a modification of Special Temporary Authority (STA) for KNFT-FM, based on financial hardship. In your petition, you attach documentation showing that Runnels is in Chapter 11 bankruptcy before the U.S. Bankruptcy Court - District of New Mexico. You also attach a copy of the application, fee payment, and FCC Form 159.

Section 1.1117 of the Commission's Rules, 47 C.F.R. Section 1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990). You have presented information showing that Runnels filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court - District of New Mexico. We find that this filing substantiates Runnels' claim of financial hardship and demonstrates good cause for waiver of the filing fees. See MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waive of filing fee). Therefore, your petition for a waiver and refund of the filing fee is granted.

A check, made payable to the maker of the original check and drawn in the amount will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

0302 108 195 406001

ORIG +4
RECEIVED

FEB - 7 2003

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 A 8:21

Federal Communications Commission
Office of Secretary

In the matter of

Runnels Broadcasting System, LLC,
debtor in possession (FRN 0005021696)

Request For Modification of Special Temporary
Authority, KNFT-FM, Bayard, NM
(Facility ID No. 14926)

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

OMD Docket No. _____

To: The Managing Director

REQUEST FOR WAIVER AND FILING FEE REFUND

Runnels Broadcasting System, LLC, debtor in possession ("the DIP"), licensee of KNFT-FM, Bayard, NM, by its attorney and pursuant to Section 1.1117 of the Commission's rules, hereby respectfully requests waiver and refund of the \$145 filing fee paid in connection with the DIP's February 7, 2002 "Request For Modification of Special Temporary Authority" for KNFT-FM, based on financial hardship. The \$145 filing fee (Code MGR) was submitted to the FCC fee lockbox on February 7, 2002.

In accordance with Section 1.1117(c) and (e), this submission is in the form of a separate pleading marked to the attention of the Managing Director and attaches a copy of the application, the DIP's fee payment (Check No. 3065) and FCC Form 159.

In support hereof, the following is respectfully shown:

Section 1.1117 of the Commission's rules provides for waiver of FCC filing fees upon a showing of good cause and a finding that the public interest will be served

thereby. Section 1.1117(c) provides for waiver of filing fees based on financial hardship. Under Commission policy, "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship,"¹ and the Commission has waived filing fees on that basis.²

In the instant case, the DIP is in Chapter 11 bankruptcy before the U.S. Bankruptcy Court – District of New Mexico. The matter was previously being administered under Case No. 11-02-14217SR. A copy of the Court's "Amended Order Granting Motions For Joint Administration," which consolidated the matter under Case No. 11-02-14214MR, is attached hereto.

Based on the foregoing, it is respectfully submitted that the Chapter 11 Bankruptcy of the DIP establishes good cause to waive and refund the \$145 filing fee paid in connection with the subject filing. It is further submitted that, in accordance with the above-cited Commission case precedent, grant of the requested waiver will serve the public interest by enabling the DIP to preserve assets that will accrue to innocent creditors.

WHEREFORE, the premises considered, the DIP respectfully requests refund of


¹ *Memorandum Opinion and Order*, "Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year," 10 FCC Rcd 12759 at para. 14 (1995).

² See e.g., *Mobilemedia Corporation*, 14 FCC Rcd 8017 at para. 40 (1999) ("[W]aiver of the fee will serve the public interest by enabling Mobilemedia to preserve assets that will accrue to innocent creditors.")

\$145 in accordance herewith.

Respectfully submitted,

RUNNELS BROADCASTING SYSTEM, LLC,
debtor in possession

By: 
Ellen Mandell Edmundson
Its Attorney

Edmundson & Edmundson
1818 N Street, N.W.
Washington, D.C. 20036
(202) 223-8580

February 7, 2003

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re: Dewey Matthew Runnels and
Judy Carol Runnels,

No. 11-02-14214 MR

and

Runnels Broadcasting Systems, Inc.

No. 11-02-14217 SR

AMENDED ORDER GRANTING MOTIONS FOR JOINT ADMINISTRATION

This matter is before the Court on the Motion for Joint Administration by Debtors Dewey Matthew Runnels and Judy Carol Runnels, No. 11-02-14214 MR filed on October 13, 2002, by and through their counsel Sidney J. Diamond, and the Motion for Joint Administration filed by Runnels Broadcasting Systems, LLC, No. 11-02-14217 SR filed on October 10, 2002 by and through its counsel Jennie Deden Behles.

IT IS ORDERED:

1. The Motions for Joint Administration are granted.
2. All future pleadings in this matter, except proofs of claim, shall be captioned:

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:
Dewey Matthew Runnels and
Judy Carol Runnels,
and
Runnels Broadcasting Systems, Inc.,

Debtors.

Jointly Administered under
No. 11-02-14214 MR

3. All future pleadings, except proofs of claim, in these jointly administered cases shall be docketed and filed only in Case No. 11-02-14214 MR.


- 4 The clerk shall continue to maintain separate claims registers for each case.
- 5 All future proceedings in these jointly administered cases shall be presided over by Judge Mark B. McFeeley.
- 6 Case No. 02-11-14217 SR is transferred to Judge Mark B. McFeeley.
- 7 Counsel for Dewey Matthew Runnels and Judy Carol Runnels shall submit a combined mailing list to the clerk within ten (10) days of the date of this order.
- 8 Counsel for Dewey Matthew Runnels and Judy Carol Runnels shall mail a copy of this order to all creditors and other parties in interest within ten (10) days of the date of entry of this order and shall file a certificate of mailing of the order within five (5) days thereafter.


MARK B. McFEELEY
UNITED STATES BANKRUPTCY JUDGE

I hereby certify that a true and correct copy of the foregoing was either electronically transmitted, faxed, delivered, or mailed to the listed counsel and parties, on the date file-stamped above.

Sidney J. Diamond
Counsel for Matthew and Judy Runnels
3800 N. Mesa
Suite C-4
El Paso, TX 79902

Jennie Deden Behles
Counsel for Runnels Broadcasting, LLC
PO Box 849
Albuquerque, NM 87103


Ellen C. Snyder,
Law Clerk

EDMUNDSON & EDMUNDSON

1818 N Street, N.W. - Suite 700
Washington, D.C. 20036

James K. Edmundson
Ellen Mandell Edmundson

phone: 202-223-8580
fax: 202-223-8581
ellen@edmundsonlaw.com

February 7, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Mass Media Services
P.O. Box 358195
Pittsburgh, PA 15251-5195

Re: FEE FILING (CODE MGR): \$145 FEE ATTACHED
KNFT-FM, Channel 275C1, Bayard, NM
FCC Facility ID No. 28126
Request For Modification Of Special Temporary Authority

Dear Ms. Dortch:

On behalf of Runnels Broadcasting System, LLC, debtor in possession ("RBS"), licensee of KNFT-FM, Channel 275C1, Bayard, NM, the purpose of this letter is to request modification of the Special Temporary Authority ("STA") granted to RBS to operate KNFT-FM from a site other than the licensed site of KNFT-FM. As discussed below, KNFT-FM now seeks temporary authority to move its STA operation to the site from which it intends to formally relocate, pending Bureau action on the requisite Form 301 modification application. In addition, KNFT-FM seeks extension of the STA, which is currently scheduled to expire on February 22, 2003.

By way of background, on August 22, 2002, the Audio Division of the Media Bureau authorized RBS to temporarily operate KNFT-FM from the currently licensed site of KWNM(FM), Hurley, NM, due to the loss of the licensed site for KNFT-FM as the result of litigation with the site owner.

RBS has now identified a site to which it intends to permanently relocate KNFT-FM. A Form 301 modification application for a construction permit to relocate the station to that site is now in preparation and is expected to be filed shortly. Modification of the STA to operate from that site with the temporary facilities specified below pending action on the Form 301 modification application is respectfully requested, so that KNFT-FM can continue operation while the modification application is processed, in the public interest.

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
February 7, 2003
Page 2

RBS seeks authority to operate on its licensed frequency at the coordinates and with the facilities specified below:

Geographic coordinates:	32-51-49.3 N. Lat. 108-14-29.6 W. Long.
Channel:	102.9 MHz
Effective radiated power:	32.7 kW
Output power:	10 kW
Transmitter:	Harris Platinum
Tower height:	58.8 meters/193 feet
Antenna height:	
Above ground:	38.1 meters
Above mean sea level:	2527.7 meters
Above average terrain:	482.1 meters

Attached hereto is the licensee's Anti-Drug Abuse Act certification, FCC Form 159, and the licensee's check (No. 3065) in the amount of \$145 in payment of the requisite filing fee.

Should any question arise in connection with this matter, please contact undersigned counsel.

Sincerely yours,


Ellen Mandell Edmundson

Enclosures
Cc: KNFT-FM (LPF)

CERTIFICATION

I hereby certify that neither Runnels Broadcasting System, LLC, debtor in possession, nor any of its principals, is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988.

Respectfully submitted,

**RUNNELS BROADCASTING SYSTEM, LLC,
debtor in possession**

By: _____


Member

Dated: 2-6-03

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589

Page No. _____ of _____

(1) LOCKBOX #

358195

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Runnels Broadcasting System, LLC

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

\$145.00

(4) STREET ADDRESS LINE NO. 1

P.O. Box 1320

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Silver City

(7) STATE

NM

(8) ZIP CODE

88062

(9) DAYTIME TELEPHONE NUMBER (include area code)

505-388-1958

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0005021696

(12) PAYER (TIN)

52-5174553

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

(same as above)

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY

(17) STATE

(18) ZIP CODE

(19) DAYTIME TELEPHONE NUMBER (include area code)

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

KNFT-FM

(24A) PAYMENT TYPE CODE

MGR

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

\$145.00

(27A) TOTAL FEE

\$145.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief

SIGNATURE _____

DATE _____

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

MASTERCARD/VISA ACCOUNT NUMBER

EXPIRATION

☐ MASTERCARD

☐ VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE _____

DATE _____

Payment Transactions Detail Report

Date: 02/28/2003

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payor TIN	Received Date										
0302108195406001	RUNNELS BROADCASTING SYSTEM LL PO BOX 1320 SILVER CITY NM 88062	WP00056825	0525174553	12/07/2003 00:00:00										
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type			
\$145.00	\$145.00	1	MGR	1	KNFTFM	RUNNELS BROADCASTING SYSTEM LL	88062		\$145.00	1	PMT			
Total	1											\$145.00		